

REMARKS

I. Formalities

Claims 1-30 remain in the subject patent application. No amendments are made herein. Accordingly, Applicants respectfully submit that no new matter is added herein.

II. Remarks Directed to the Double Patenting Rejection

Claims 1-12 and 22-30 stand rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-34 of U.S. Patent No. 6,429,685. As the Office Action indicates, a timely filed terminal disclaimer in compliance in 37 C.F.R. 1.321(c) may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground, provided the conflicting application or patent is shown to be commonly owned with this application.

Attached is a copy of the notice of recordation of assignment, and the recorded assignment itself, indicating that the inventor of the invention disclosed in Patent Application Serial No. 09/711,486 has assigned all of his right, title, and interest in the invention to Gain Technology Corporation. U.S. Patent No. 6,429,685 issued from Patent Application Serial No. 09/711,486. Also attached is a copy of the notice of recordation of assignment, and the recorded assignment itself, indicating that the inventor of the invention disclosed in Patent Application Serial No. 09/711,420, to which the present Office Action is directed, has assigned all of his right, title, and interest in the invention to Gain Technology Corporation. Thus, Patent Application Serial No. 09/711,420 and U.S. Patent No. 6,429,685 have both been assigned to Gain Technology Corporation.

Gain Technology Corporation, an Arizona corporation, has been re-incorporated as SMSC Analog Technology Center, Inc., also an Arizona corporation. Attached are copies of: (1) the notice of recordation of assignment, and the recorded assignment itself, indicating that Gain Technology Corporation assigned all of its right, title, and interest in U.S. Patent No. 6,429,685

to SMSC Analog Technology Center, Inc.; and (2) the notice of recordation of assignment, and the recorded assignment itself, indicating that Gain Technology Corporation assigned all of its right, title, and interest in Patent Application Serial No. 09/711,420, to SMSC Analog Technology Center, Inc. Accordingly, SMSC Analog Technology Center, Inc. owns both the present application and U.S. Patent No. 6,429,685.

Also attached is a terminal disclaimer believed to comply with the requirements of 37 C.F.R. 1.321(c). Because the terminal disclaimer has been filed, it is respectfully believed that the double patenting rejection of claims 1-12 and 22-30 is overcome and should be withdrawn.

III. Remarks Directed to Claims 1-12 and 22-30

In view of the expected withdrawal of the double patenting rejection, it is respectfully submitted that claims 1-12 and 22-30 are now in condition for allowance.

IV. Remarks Directed to the Allowable Subject Matter

The Office Action indicated that claims 13-21 are allowed. Applicant wishes to thank Examiner Jackson for this indication of allowable subject matter.

V. Remarks Directed to the References Made of Record and Not Relied Upon

The references made of record and not relied upon are believed to neither anticipate nor make obvious Applicant's claimed invention.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. In light of the remarks set forth hereinabove, and the terminal disclaimer filed herewith, Applicant respectfully requests reconsideration and allowance of all of the pending claims.

All fees believed to be due in connection with this Response to Office Action are submitted herewith. However, the Commissioner for Patents is hereby authorized to charge any additional fees required by this Response to Office Action, or credit any overpayment, to Account No. 02-4467.

If there are matters that can be discussed by telephone to further the prosecution of this application, Applicant invites Examiner Stephen W. Jackson to call the undersigned attorney at the Examiner's convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kenneth Nelson", written in a cursive style.

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